

PATENT
Docket No. 546322000100
Client Ref. 2498060/EJH/ls

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CHRISTINE JUMOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Robert N. RICE and Bruce T.
HARRISON

Serial No.: 10/081,646

Filing Date: February 22, 2002

For: A METHOD AND KIT

Examiner: D. R. Gunter

Group Art Unit: 1634

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97 & 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record. **A paper copy of the pending U.S. Patent Applications marked with an asterisk (*) are not provided.**

04/24/2003 JBALINAN 00000061 031952 10081646

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This Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ **After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☒ **A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate. Fee: \$180.00**
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 546322000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 21, 2003

Respectfully submitted,

By: Michael R. Ward
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PTO/SB/08 (2-92)

Sheet 1 of 3

Form PTO-1449

Docket Number 546322000100

Application Number 10/081,646

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Robert N. RICE and Bruce T. HARRISON

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U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|---------------------|--------------|---------------|-------|----------|----------------------------|
| | 1. | Filed 07/28/2000 | *09/628,176 | Graham | | | |
| | 2. | Filed 06/19/1998 | *09/100,812 | Graham et al. | | | |
| | 3. | Filed 12/05/2000 | *09/646,807 | Graham et al. | | | |
| | 4. | Filed 09/19/1998 | *09/100,814 | Graham | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------------|----------------|---------|-------|----------|-----------------------|
| | 5. | 09/30/1999 | WO 99/49029 | WIPO | | | |
| | 6. | 09/27/2001 | WO 01/70949 A1 | WIPO | | | |

OTHER DOCUMENTS

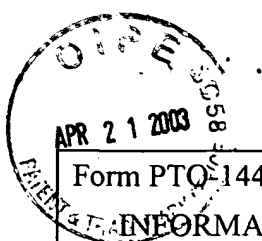
(including author, title, Date, Pertinent Pages, Etc.)

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| | 7. | Bassler, Heidi A. et al. (1995) "Use of a Fluorogenic Probe in a PCR-Based Assay for the Detection of <i>Listeria monocytogenes</i> " <i>Applied and Environmental Microbiology</i> 61 (10): 3724-3728. |
| | 8. | Belgrader et al. (1999) "PCR Detection of Bacteria in Seven Minutes" <i>Science</i> 284 (5413): 449. (from http://www.sciencemag.org/cgi/content/full/284/5413/449 , August 16, 2002) |
| | 9. | Dawson, Barbara A. et al. (1989) "Affinity Isolation of Transcriptionally Active Murine Erythroleukemia Cell DNA Using a Cleavable Biotinylated Nucleotide Analog" <i>The Journal of Biological Chemistry</i> 264 (22): 12830-12837. |
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DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



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| 12. | Hildebrandt Audrey L. and P. Darrell Neuffer (2000) "Exercise attenuates the fasting-induced transcriptional activation of metabolic genes in skeletal muscle" <i>Am J Physiol Endocrinol Metab</i> 278: E1078-E1086. |
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